IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 13631 of 2004

Between:

Eruvaram Kannamma, W/o. Eruvaram Subramanyam,
A.P. Agriculture University, S.V. Agricultural College Form Tirupathi,
Chittoor District.

..... PETITIONER

AND

1 Acharya N.G. Ranga Agriculture University,

rep.by its Registrar, Rajendranagar, Hyderabad.
2 Associate Dean, Sree Venkateshwara Agriculture College,
Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ order or direction particularly one in the nature of Writ of "MANDAMUS" declaring the action of the respondents in not regularizing the services of the petitioners as Agriculture Women Worker against existing Class-IV post meant for S.T. Women in the 2nd Respondent College in terms of G.O.Ms.No.212 F&P (P.C-III), dt. 22-4-1994 and in terms of the case reported in 2001(3) ALT 366 (DB) is as arbitrary, illegal and violative of Article 14, 16(4) and 21 of the Constitution of India and consequently direct the respondents to regularize the services of the petitioner against Class-IV existing back log vacancy in the 2nd respondent college.

Counsel for the Petitioner: MR.G.CHANDRAIAH

Counsel for the Respondent No.1: MR.B.SIVA REDDY

Cousel for the Respondent No.2: --

The Court at the admission stage made the following:

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ORDER:

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The writ petitioner is working as a casual worker in the respondent University. She claims that she is working since more than 12 (twelve) years as a casual worker. She represents that as per Act 27 of 1998, which came into force with effect from 19.08.1998, the casual workers, who have completed five years service as on 25.11.1993, are entitled for consideration of their cases for regularization.

2. The petitioner contends that she complied with other conditions stipulated in G.O.Ms.No.212, dated 22.04.1994, and she completed more than 12 [twelve] years of service from 1992 and also completed 5 [five] years service as on 19.08.1998, and there is a sanctioned post, reserved for Scheduled Tribe (Women) candidate, and the petitioner, being a woman, belonging to Scheduled Tribe category, is entitled to get regularization.

3. The petitioner further contended that she made a representation on 23.12.2003 to the 2nd respondent, resisting the action of the 2nd respondent in calling for candidates from Employment Exchange, and she got the matter represented to the 2nd respondent through Scheduled Castes and Scheduled Tribes Employees Association on 24.12.2003. The petitioner also made a representation on 02.07.2004 requesting the 2nd respondent to consider her case in view of the clarification issued by the 1st respondent, but no orders have been passed by the 2nd respondent till now. The petitioner, therefore, approached this Court, seeking a direction to the 2nd respondent to regularize her services in the existing vacancy, which is reserved for Scheduled Tribe (Women) candidate. The petitioner also submitted that in view of the Judgment of this Court in ***the Secretary, A.P.Social Welfare Residential Educational Institutions Society vs. P.Venkata Kumari ,*** the petitioner is entitled to get regularization of her services as Class – IV employee.

4. The petitioner contends that she completed more than 12 (twelve) years of service, and she is eligible in all respects to hold class-IV post by way of getting regularization of her services.

5. In the light of the G.O.Ms.No.212, dated 22.04.1994 and the Judgment of the Division Bench of this Court, as mentioned above, and in view of the circumstances, explained by the petitioner, the 2nd respondent is directed to pass appropriate orders, considering the eligibility of the petitioner in terms of G.O.Ms.No.212, dated 22.04.1994 and also keeping in view of the Judgment of this Court, set forth in para-3 supra, and the Rules, if any in force, within two months from the date of receipt of a copy of this order, and communicate the same to the petitioner.

The Writ Petition is, accordingly, disposed of. No order as costs.

dsr.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER